IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

WRIT PETITION NO.3222 OF 2007

The State of Maharashtra & Ors. .. Petitioners.

Versus

M/s.Shree Mahila Griha Udyog
Lijjat Papad, Pune .. Respondent.

Mr.A.A. Kumbhakoni, Associate Advocate General with Mr.V.A. Sonpal, AGP for the petitioners.

Mr.B.C. Joshi & Mrs.Nikita Badheka & Mr.M.M. Vaidya & Mr.R.S. Naik for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 20TH JULY, 2007.

P.C. :

1. It was the contention of the petitioner that the Tribunal has relied on judgments delivered, based on the definition as it stood before its amendment. On the other hand on behalf of the respondent, learned counsel contended that there are judgments subsequent to the amendment which were relied upon by the Tribunal.

2. The issue arises whether to entertain the writ petition considering that the petitioners have a remedy by way of seeking reference to this court by moving the Tribunal. Considering that the petitioner has alternate remedy, we are not inclined to interfere at this stage in the exercise of extra

ordinary jurisdiction.

3. On behalf of the respondent, learned counsel contends that if a reference is applied for within two weeks from today, they will not raise any objection as to limitation. In the light of that if the reference is filed by the petitioner within two weeks, we direct the Tribunal to hear the matter on merits on the contentions raised by the parties before us. Considering the issue involved on the reference being filed, the matter be decided on merits as expeditiously as possible.

4. The writ petition stands disposed of in terms of this order with no order as to costs.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)